IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 25296 of 2004

Between:

Bible Believing Church Committee,

(Regd.Society No.7/1968) D.No.49-1-61,

Maddur Subba Reddy Nagar, Kurnool,

Kurnool District rep., by its President and
Correspondent Rev.B.Y.Samuel

..... PETITIONER

AND

1 The Government of Andhra Pradesh,

rep., by its Principal Secretary,

Education Department, Secretariat, Hyderabad.
2 The Commissioner and Director of School Education,

Andhra Pradesh, Hyderabad.
3 National Council of Teacher's Education (NCTE) 125,

Southern Regional Committee,
Infantry Road, Bangalore-560 010.
4 The District Educational Officer,

Kurnool District at Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing the proceedings Rc.No.192/N2-2/2003, dt.1-5-2004 in rejecting the application of the petitioner for No Objection Certificate to obtain permission for establishing the college of Education as bad, arbitrary, illegal and unconstitutional and consequently direct the respondents to consider the application of the petitioner and to issue "No Objection Certificate" for establishing College of Education in the name of Glory Divine B.Ed.College for Girls as Nandanapalli, Kurnool District and pass such other order or orders

Counsel for the Petitioner: MR.C.DAMODAR REDDY

Counsel for Respondent Nos.1, 2 & 4: GP FOR EDUCATION

Counsel for Respondent No.3: Sri B.Adinarayana Rao, Standing Counsel for NCTE.

The Court made the following :

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ORAL ORDER;

This writ petition is filed by the petitioner-Committee aggrieved by the order passed by the second respondent rejecting their application to issue 'No Objection Certificate' for establishment of a B.Ed College.

It is stated that a notification was issued on 24-2-1998 calling for applications for obtaining 'No Objection Certificate' for establishing B.Ed College for the academic year 1998-99. In pursuance of the said notification, the petitioner-Committee has submitted an application, and according to the petitioner, it had complied with all the requirements. However, the application filed by the petitioner was returned as the required conditions stipulated in the director's notification were not complied with. After approaching the Regional Director, NCTE, Bangalore, who directed them to obtain 'No Objection Certificate' from the State Government, the petitioner has again approached the

State Government representing that they have decided to fulfill the conditions as per the notification, and requested to issue

'No Objection Certificate' for the new B.Ed College. The said application was considered, and the impugned proceedings dated 01-05-2004 were passed specifying that the petitioner did not comply with the conditions, therefore, the petitioner is not entitled for 'No Objection Certificate' to establish College of Education. Aggrieved by the same, this writ petition has been filed.

The learned Counsel for the petitioner reiterated the contention that the petitioner being a religious minority institution, some consideration must be shown.

On the other hand, the learned Counsel appearing for the third respondent opposed the contention of the petitioner in view of the non-fulfillment of the conditions as well as the lapse of time, as the original notification was issued only for the academic year 1998-99.

The notification issued for the academic year 1998-99, pertains to that particular year only. In view of the same, writ petition is devoid of merits, and the same is, accordingly, dismissed. No costs.

23-06-2005

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Copy to:

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rep., by its Principal Secretary,

Education Department, Secretariat, Hyderabad.

2 The Commissioner and Director of School Education,

Andhra Pradesh, Hyderabad.

3 National Council of teacher's Education (NCTE) 125,

Southern Regional Committee,
Infantry Road, Bangalore-560 010.

4 The District Educational Officer,

Kurnool District at Kurnool.

5 Two CCs to the G.P. for Education,

High Court Buildings, High Court of A.P.,

Hyderabad.(O.U.T.)

6 Two CD copies.